

To improve the efficiency and strategic effectiveness of export regulation of strategic trade, to revise the Export Administration Act of 1979, and for other purposes.

**JANUARY 6, 1983**

**Mrs. BYRON introduced the following bill; which was referred jointly to the Committees on Foreign Affairs and Armed Services**

To improve the efficiency and strategic effectiveness of export regulation of strategic trade, to revise the Export Administration Act of 1979, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

SECTION 1. This Act may be cited as the “Strategic  
Trade Act of 1983”.

**7        SEC. 2. The Congress makes the following findings:**

1           (1) The ability of United States citizens to engage  
2           in international commerce is a fundamental concern of  
3           United States policy.

4           (2) It is important for the national interest of the  
5           United States that both the private sector and the Fed-  
6           eral Government place a high priority on exports,  
7           which strengthens the Nation's economy.

8           (3) It is in the national interest to increase the na-  
9           tional security control on exports by enhancing the re-  
10          sponsibilities and functions of the Department of De-  
11          fense, and thereby reduce the compromise of technol-  
12          ogy that can be diverted to military use by countries  
13          hostile to the free world.

14          (4) Uncertainty of export control policy can curtail  
15          the efforts of American business to the detriment of the  
16          overall attempt to improve the trade balance of the  
17          United States.

18          (5) However, the failure to restrict the transfer of  
19          national security sensitive technology and goods to the  
20          Soviet Union and other countries whose actions or  
21          policies are adverse to the national security interests of  
22          the United States has led to the significant enhance-  
23          ment of Soviet bloc military/industrial capabilities, in-  
24          cluding the expansion and modernization of the military  
25          priority industries of the Soviet Union, which enhance

1 Soviet bloc military capabilities in electronics, micro-  
2 electronics, communications, machine building, heavy  
3 vehicular construction, computers, shipbuilding, aero-  
4 space and aviation including instrumentation, advanced  
5 metallurgy and applied biology, thereby creating a  
6 greater threat to the security of the United States, its  
7 allies, and other friendly nations, and increasing the  
8 defense budget of the United States.

9 (6) The failure to restrict the export of national  
10 security sensitive technology and goods is attributable  
11 in part to the diffusion of decisionmaking responsibil-  
12 ities regarding strategic trade matters among several  
13 Federal agencies, the lack of adequately trained and  
14 disciplined personnel, and the lack of adequate authori-  
15 ty of the Secretary of Defense.

16 (7) Because of the overlapping and frequently con-  
17 fusing responsibilities of the many Federal agencies  
18 that administer controls over strategic trade, the  
19 United States export control system has not served na-  
20 tional security, foreign policy, or export interests effec-  
21 tively.

22 (8) It is important that the administration of  
23 export controls imposed for national security purposes  
24 give special emphasis to the need to control exports of  
25 technology including technical data, process know-how,

1        manufacturing information and devices (and goods  
2        which contribute significantly to the transfer of such  
3        technology) which could make a significant contribution  
4        to the military potential of any country or combination  
5        of countries which would be detrimental to the national  
6        security of the United States.

7            (9) Further, the availability of certain materials at  
8        home and abroad varies so that the quantity and com-  
9        position of United States exports and their distribution  
10       among importing countries may affect the welfare of  
11       the domestic economy and may have an important  
12       bearing upon fulfillment of the foreign policy of the  
13       United States.

14                                DECLARATION OF POLICY

15        SEC. 3. The Congress makes the following declarations:

16            (1) It is the policy of the United States to mini-  
17        mize uncertainties in export control policy and to en-  
18        courage trade with all countries with which the United  
19        States has diplomatic or trading relations, except those  
20        countries with which such trade has been determined  
21        by the President to be against the national interest.

22            (2) It is the policy of the United States to use  
23        export controls—

24                                (A) to restrict the export of goods and tech-  
25        nology which would make a significant contribu-

1           tion to the military potential of any other country  
2           or combination of countries which would prove  
3           detrimental to the national security of the United  
4           States.

5           (B) to restrict the export of goods and tech-  
6           nology where necessary to further significantly  
7           the foreign policy of the United States or to fulfill  
8           its declared international obligations.

9           (C) to restrict the export of goods where nec-  
10          essary to protect the domestic economy from the  
11          excessive drain of scarce materials and to reduce  
12          the serious inflationary impact of foreign demand.

13          (3) It is the policy of the United States (A) to  
14          apply any necessary controls to the maximum extent  
15          possible in cooperation with all nations, and (B) to en-  
16          courage observance of a uniform export control policy  
17          by all nations with which the United States has de-  
18          fense treaty commitments, or common strategic objec-  
19          tives; (C) to strengthen the Coordinating Committee  
20          for Multilateral Export Controls (COCOM) by (1) im-  
21          proving the International Control List and minimizing  
22          the approval of exceptions to that list; (2) moving as  
23          quickly as possible to convert the Coordinating Com-  
24          mittee from a voluntary to a treaty organization; (3)  
25          strengthening international enforcement and coopera-

1       tion in enforcement efforts; (4) improving the structure  
2       and function of the COCOM Secretariat, including pro-  
3       fessional staff, translation services, data base mainte-  
4       nance, communications and facilities.

5           (4) It is the policy of the United States to use its  
6       economic resources and trade potential to further the  
7       sound growth and stability of its economy as well as to  
8       further its national security and foreign policy objec-  
9       tives.

10          (5) It is the policy of the United States—

11                (A) that the desirability of subjecting, or con-  
12       tinuing to subject, particular goods or technology  
13       or other information to United States export con-  
14       trols should be subjected to review by and consul-  
15       tation with representatives of appropriate United  
16       States Government agencies: *Provided*, That  
17       where the Department of Defense determines that  
18       the export of any goods or technology will con-  
19       tribute to strengthening Soviet military capabili-  
20       ties or enabling military priority industries in the  
21       Soviet Union and Warsaw Pack to modernize to  
22       the detriment of United States national security,  
23       then the finding shall be made that the goods or  
24       technology shall not be exported;

(B) that should a determination be made that the export of goods or technology will harm United States national security and so are not permitted to be exported, the United States will take all reasonable actions to assure that such exports are not made by friendly countries. Where such exports might, in any event occur, the policy of the United States is to, nonetheless, restrict exports of goods and technology as appropriate in order to assure that the national security of the United States is not further endangered.

(6) It is the policy of the United States to use export controls, including license fees, to secure the removal by foreign countries of restrictions on access to supplies where such restrictions have or may have a serious domestic inflationary impact, have caused or may cause a serious domestic shortage, or have been imposed for purposes of influencing the foreign or national security policy of the United States. In effecting this policy, the President shall make reasonable prompt efforts to secure the removal or reduction of such restrictions, policies, or actions through international cooperation and agreement before imposing controls on exports from the United States. No action in fulfillment of the policy set forth in this paragraph shall apply to

1 the export of medicine or medical supplies, but which  
2 terms do not include medical equipment.

3 (7) It is the policy of the United States to use  
4 export controls to encourage other countries to take  
5 immediate steps to prevent the use of their territories  
6 or resources to aid, encourage, or give sanctuary to  
7 those persons involved in directing, supporting, or par-  
8 ticipating in acts of international terrorism. To achieve  
9 this objective; the President shall make reasonable but  
10 prompt efforts to secure the removal or reduction of  
11 such assistance to international terrorists through inter-  
12 national cooperation and agreement before imposing  
13 export controls.

14 (8) It is the policy of the United States to cooper-  
15 ate with other countries with which the United States  
16 has defense treaty commitments or common strategic  
17 objectives in restricting the export of goods and tech-  
18 nology which could make a significant contribution to  
19 the military potential of any country or combination of  
20 countries which would prove detrimental to the secu-  
21 rity of the United States and of those countries with  
22 which the United States has defense treaty commit-  
23 ments or common strategic objectives.

24 (9) It is the policy of the United States to mini-  
25 mize restrictions on the export of agricultural commod-



## 9 DEFINITIONS

10      SEC. 4. As used in this Act—

(2) the term "United States person" means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) or any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined pursuant to regulations issued by the President under the authority conferred by this Act.

1           (3) the term “good” means any article, natural or  
2       man-made substance or material, or manufactured  
3       product, including inspection and test equipment, and  
4       excluding technical data;

5           (4) the term “technology” means technological or  
6       technical data, and shall include information or know-  
7       how of any kind that can be used or adapted for use in  
8       the design, production, manufacture, repair, overhaul,  
9       processing, engineering, development, operation, main-  
10      tenance, or restoration of goods, including computer  
11      software. Information or know-how may take tangible  
12      form, such as models, prototypes, drawings, sketches,  
13      diagrams, blueprints, or manuals, or take an intangible  
14      form, such as training or technical services. Technologi-  
15      cal data shall also include lists of all goods or com-  
16      modities that will be used in the industrial application  
17      of the technological information, regardless of the end-  
18      use classification of the goods or commodities;

19          (5) the term “export of goods” means—

20                (A) An actual shipment or other movement  
21                of goods out of the United States, or

22                (B) An actual shipment or other movement  
23                of goods, or portions thereof, originally exported  
24                from the United States to any destination other  
25                than that indicated to the appropriate United

1 States authority as the initial destination of the  
2 goods at the time of original export from the  
3 United States.

4 (6) the term "export of technology" means—

5 (A) an actual shipment or transmission of  
6 technology out of the United States; or

7 (B) any release of technology of United  
8 States origin in a foreign country or to an alien  
9 who is not a permanent resident of the United  
10 States (including representatives or agents acting  
11 on his behalf);

12 (7) the term "United States" means the States of  
13 the United States, its commonwealths, territories  
14 (leased or owned) and its dependencies.

15 ESTABLISHMENT OF OFFICERS, FUNCTIONS, AND STRUC-  
16 TURE OF NATIONAL SECURITY CONTROLS AGENCY

17 SEC. 5. (a) NATIONAL SECURITY CONTROL  
18 AGENCY.—To assist in carrying out the policy and other au-  
19 thorities and responsibilities of the Secretary of Defense  
20 under this section of the Act, there shall be established within  
21 the Office of the Under Secretary of Defense for Policy a  
22 National Security Control Agency. The Secretary of Defense  
23 may delegate such of those authorities and responsibilities,  
24 together with such ancillary functions, as he may deem ap-  
25 propriate to the Agency.

1       (b) The National Security Control Agency shall consist  
2 of a Director, such subordinate organizational elements as  
3 are set forth in sections (e) (1) through (5) below, and such  
4 further subordinate organizational elements as are established  
5 by the Director within the resources authorized for the carry-  
6 ing out of the responsibilities of the Agency.

7       (c) The Director shall be appointed by the Secretary of  
8 Defense.

9       (d) The Director or his designee shall act as Department  
10 of Defense representative to the Interagency Advisory Com-  
11 mittee for Export Policy (ACEP), which shall consist of rep-  
12 resentatives from the Department of Commerce, the Depart-  
13 ment of State, the Department of Defense, the Department  
14 of Energy, the Department of the Treasury, the Central In-  
15 telligence Agency, and the National Aeronautics and Space  
16 Administration. The Director or his designee will establish a  
17 "hotline" between the Agency and the referred executive  
18 agencies.

19       (e) **PRINCIPAL DIVISIONS.**—(1) There shall be in the  
20 Agency an Operations Division which shall be headed by an  
21 Assistant Director for Operations. It shall be the function of  
22 the Assistant Director for Operations to process export li-  
23 cense applications received from other agencies, to dissemi-  
24 nate such applications to the Licensing Division for evalua-  
25 tion, and to forward approved licenses to the issuing authori-

1 ty. In addition, the Operations Division shall monitor con-  
2 formity of export applications and licenses with the terms and  
3 conditions applicable to them. The Operations Division shall  
4 have such other functions as the Director may determine to  
5 be appropriate.

6 (2) There shall be in the Agency a Compliance Division  
7 which shall be headed by an Assistant Director for Compli-  
8 ance and which shall coordinate on compliance matters with  
9 Commerce, Treasury (Customs), State, Justice (FBI), and  
10 the Intelligence Community.

11 (3) There shall be in the Agency a COCOM Division  
12 which shall be headed by an Assistant Director for COCOM  
13 Affairs and which shall carry out functions relating to the  
14 representation of policy and technical positions (including  
15 those of military and strategic significance) in connection  
16 with the Coordinating Committee for Multilateral Export  
17 Controls. The COCOM Division shall also provide a repre-  
18 sentative to COCOM to assist the Department of State in  
19 negotiations with other members of the Coordinating Com-  
20 mittee.

21 (4) There shall be in the Agency a Licensing Division  
22 which shall be headed by an Assistant Director for Licensing  
23 and which shall be responsible to the Director for the evalua-  
24 tion of criteria and establishment of policy relating to the  
25 commodity control list, munitions control list, and foreign

1 policy controls. In addition, there shall be within the Licens-  
2 ing Division— .

3 (A) an Office of the Operating Committee, which  
4 shall coordinate responses in matters referred to the  
5 Interagency Operating Committee, specify deadlines,  
6 monitor responses and recommendations from the other  
7 agencies, summarize each agency position for the  
8 Office of the Director, and prepare Defense position on  
9 cases for review by the Export Administration Review  
10 Board;

11 (B) an Office of Computer Licensing, which shall  
12 prepare draft documents analyzing criteria for licensing  
13 with respect to computers in accordance with the com-  
14 modity control list;

15 (C) an Office of Capital Goods Licensing which  
16 shall prepare draft documents analyzing criteria for li-  
17 censing with respect to capital goods in accordance  
18 with the commodity control list;

19 (D) an Office of Electronics, which shall prepare  
20 draft documents analyzing criteria for licensing with  
21 respect to the field of electronics in accordance with  
22 the commodity control list;

23 (E) an Office of Munitions Control which shall  
24 carry out the functions formerly carried out by the De-

1       partment of State's Office of Munitions Control in  
2       maintaining the munitions control list;

3           (F) an Office of Technological Data which shall  
4       monitor and review the transfer of unembodied technol-  
5       ogy and knowledge through cultural exchange, educa-  
6       tional, or other programs or means;

7           (G) an Office of Evaluation which shall, with sup-  
8       port provided by the Department of Commerce, moni-  
9       tor and review exports under general and validated li-  
10      censes to determine whether items should be added to  
11      or deleted from commodity control lists, to assess for-  
12      eign availability and comparability, and to make peri-  
13      odic (not less often than quarterly) specific recommen-  
14      dations, regarding additions or deletions from the com-  
15      modity control list to the Deputy Director for Licens-  
16      ing; and

17          (H) an Office of Foreign Policy Controls which  
18      shall coordinate with the Department of State with re-  
19      spect to the national security aspects of the formulation  
20      and maintenance of the list of foreign policy controls.

21      (5) There shall be in the Agency a Legal Affairs and  
22      Congressional Relations Division which shall be headed by  
23      an Assistant Director for Legal Affairs and Congressional  
24      Relations, who shall be an attorney.

1        SEC. 6. DELEGATION OF AUTHORITY.—The President  
2    may delegate the power, authority, and discretion conferred  
3    upon him by this Act to such departments, agencies, or offi-  
4    cials of the Government as he may consider appropriate,  
5    except that no authority under this Act may be delegated to,  
6    or exercised by, any official of any department or agency the  
7    head of which is not appointed by the President, by and with  
8    the advice and consent of the Senate. The President may not  
9    delegate or transfer his power, authority, and discretion to  
10    overrule or modify any recommendation or decision made by  
11    the Director, the Secretary of Defense, or the Secretary of  
12    State pursuant to the provisions of this Act.

13                    NATIONAL SECURITY CONTROLS

14        SEC. 7. (a) AUTHORITY.—(1) In order to carry out the  
15    policy set forth in section 3 of this Act, the President may, in  
16    accordance with the provisions of this section, prohibit or  
17    curtail the export of any goods or technology subject to the  
18    jurisdiction of the United States by reason of origin, location,  
19    law, regulation or otherwise or exported by any person sub-  
20    ject to the jurisdiction of the United States. The authorities  
21    and duties contained in this subsection shall be exercised by  
22    the Director, in consultation with the Secretary of Defense,  
23    and such other departments and agencies as the Director  
24    considers appropriate.



1       (2)(A) In accordance with the provisions of this Act, the  
2 Director shall have the right to review any export application  
3 under this section which the Director requests to review.  
4 Whenever the Director requires any revision with respect to  
5 any goods or technology, or with respect to the countries or  
6 destinations, affected by export controls imposed under this  
7 section, the Director shall advise the licensing authority of  
8 such required revision and request it to publish in the Federal  
9 Register a notice of such revision, which shall specify that  
10 the revision relates to controls imposed under the authority  
11 contained in this section.

12       (B) Whenever the Director denies any export license  
13 under this section, the Director shall specify in his notice of  
14 same to the licensing authority of the denial of such license  
15 that the license was denied under the authority contained in  
16 this section. The Director shall also include in such notice  
17 what, if any, modifications in or restrictions on the goods or  
18 technology for which the license was sought would allow  
19 such export to be compatible with controls imposed under  
20 this section, or the Director shall indicate in such notice  
21 which officers and employees of the Office who are familiar  
22 with the applications will be made reasonably available to the  
23 applicant for consultation with regard to such modifications  
24 or restriction, if appropriate.

1       (3) In requesting the issuing of regulations to carry out  
2 this section, the Director shall give particular attention to the  
3 devising of effective safeguards to prevent a country that  
4 poses a threat to the security of the United States from di-  
5 verting covered goods and technologies to military use, and  
6 the need to take effective measures to prevent the reexport of  
7 covered goods and technologies from other countries to coun-  
8 tries that poses a threat to the security of the United States.

9       (b) POLICY TOWARD INDIVIDUAL COUNTRIES.—In ad-  
10 ministering export controls for national security purposed  
11 under this section, United States policy toward individual  
12 countries shall not be determined exclusively on the basis of a  
13 country's Communist or non-Communist status but shall take  
14 into account such factors as whether its policies are adverse  
15 to the national security interests the United States, the coun-  
16 try's present and potential relationship to the United States,  
17 its present and potential relationship to countries friendly or  
18 hostile to the United States, its ability and willingness to  
19 control retransfers of United States exports in accordance  
20 with United States policy, and such other factors as the  
21 President considers appropriate. The President shall review  
22 not less frequently than every three years in the case of con-  
23 trols maintained cooperatively with other nations, and annu-  
24 ally in the case of all other controls, United States policy  
25 toward individual countries to determine whether such policy

1 is appropriate in light of the factors specified in the preceding  
2 sentence.

3 (c) NATIONAL SECURITY CONTROL LIST.—(1) The Di-  
4 rector shall establish and maintain, as part of the commodity  
5 control list, (as described in ) a list of all  
6 goods and technology subject to export controls under this  
7 section. Such goods and technology shall be clearly identified  
8 as being subject to controls under this section.

9 (2) The Director, together with other appropriate de-  
10 partments and agencies, shall identify goods and technology  
11 for inclusion in the national security control portion of com-  
12 modity control list. Those items on which the said depart-  
13 ments and agencies and the Director, acting on behalf of the  
14 Secretary of Defense, concur shall be subject to export con-  
15 trols under this section shall comprise such list. If the appro-  
16 priate departments and agencies and the Secretary of De-  
17 fense are unable to concur on such items, the matter shall be  
18 referred by the Secretary of Defense to the President for res-  
19 olution. Only the President may reverse the recommendation  
20 of the Secretary of Defense. The Office of the President will  
21 report to the Congress within thirty days any such reversals  
22 with accompanying rationale.

23 (3) The Director shall issue regulations providing for  
24 review of the national security control list established pursu-  
25 ant to this subsection not less frequently than every three

1 years in the case of controls maintained cooperatively with  
2 other countries, and annually in the case of all other controls,  
3 in order to carry out the policy set forth in section 3 and the  
4 provisions of this section, and for the prompt issuance of such  
5 revisions of the list as may be necessary. Such regulations  
6 shall provide interested Government agencies and other af-  
7 fected or potentially affected parties with an opportunity,  
8 during such review, to submit written data, views, or argu-  
9 ments, with or without oral presentation. Such regulations  
10 shall further provide that, as part of such review, a realistic  
11 assessment be made of the availability from sources outside  
12 the United States of goods and technology comparable in all  
13 respects, including suitability for the requirements of the in-  
14 tended user, to those controlled under this section. The Di-  
15 rector and any agency rendering advice with respect to  
16 export controls shall keep adequate records of all decisions  
17 made with respect to revision of the list of controlled goods  
18 and technology, including the factual and analytical basis for  
19 the decision, and, in the case of the Director, any dissenting  
20 recommendations received from any agency.

21 (d) MILITARILY CRITICAL TECHNOLOGIES.—(1) The  
22 Secretary of Defense, in consultation with the Director, shall  
23 review and revise the national security control list established  
24 pursuant to subsection (c), as prescribed in paragraph (3) of  
25 such subsection, for the purpose of insuring that export con-

1 trols imposed under this section cover and (to the maximum  
2 consistent with the purposes of this Act) adequately control  
3 such goods and technologies and the mechanisms through  
4 which such goods and technologies may be effectively trans-  
5 ferred as are described in (2) below.

6 (2) The Secretary of Defense shall bear primary respon-  
7 sibility for inclusion in the national security control list the  
8 militarily critical technologies as described below. In develop-  
9 ing such items for inclusion, primary emphasis shall be given  
10 to—

11 (A) arrays of design and manufacturing know-  
12 how,

13 (B) keystone manufacturing, inspection, and test  
14 equipment,

15 (C) goods accompanied by sophisticated operation,  
16 application, or maintenance know-how, and

17 (D) goods (i) which would extend, complete, main-  
18 tain or modernize process line employed in the applica-  
19 tion of a militarily critical technology, or (ii) the analy-  
20 sis of which would reveal or give insight into a United  
21 States military system and would thereby facilitate  
22 either the design and manufacture of that system or  
23 the development of countermeasures against that  
24 system, which, as determined by the Secretary of De-  
25 fense, are not possessed and able to be utilized by

1 countries to which exports are controlled under this  
2 section and which, if exported, would permit a signifi-  
3 cant advance in a military system of any such country.

4 (3) The description of the militarily critical technologies  
5 referred to in paragraph (2) shall be sufficiently specific to  
6 guide the determinations of any official exercising export  
7 licensing responsibilities under this Act.

8 (e) The Secretary of Defense shall report annually to the  
9 Congress on actions taken to carry out this section.

10 (f) EXPORT LICENSES.—(1) Where it is consistent with  
11 the national security of the United States and with the con-  
12 currence of the Director, a qualified general license may be  
13 required in lieu of validated license under this section for the  
14 export of goods or technology, except where—

15 (A) the export of such goods or technology is re-  
16 stricted pursuant to a multilateral agreement, formal or  
17 informal, to which the United States is a party and,  
18 under the terms of such multilateral agreement, such  
19 export requires the specific approval of the parties to  
20 such multilateral agreement; or

21 (B) the United States is seeking the agreement of  
22 other suppliers to apply comparable controls to such  
23 goods or technology and, in the judgment of the Direc-  
24 tor, United States export controls on such goods or

1        technology, by means of such validated license, are  
2        necessary prior to the conclusion of such agreement.

3        (2) Where it is consistent with the national security of  
4 the United States and with the concurrence of the Director a  
5 qualified general license may be required, in lieu of a validat-  
6 ed license, under this section for the export of goods or tech-  
7 nology if the export of such goods or technology is restricted  
8 pursuant to a multilateral agreement, formal or informal, to  
9 which the United States is a party, but such export does not  
10 require the specific approval of the parties to such multi-  
11 lateral agreement.

12        (g) FOREIGN AVAILABILITY.—(1) The Director, in con-  
13 sultation with such Government agencies as may be appro-  
14 priate in the circumstances as well as with such technical  
15 advisory committees as the Director may deem appropriate  
16 and established pursuant to subsection (g) of this section,  
17 shall review, on a continuing basis, the availability, to coun-  
18 tries to which exports are controlled under this section, from  
19 sources outside the United States, including countries which  
20 participate with the United States in multilateral export con-  
21 trols, of any goods or technology the export of which requires  
22 a validated license under this section.

23        (2) With respect to export controls imposed under this  
24 section, any determination of foreign availability which is the  
25 basis of a decision to grant a license for, or to remove a

1 control on, the export of a goods or technology, shall be made  
2 in writing and shall be supported by reliable evidence, includ-  
3 ing scientific or physical examination, expert opinion based  
4 upon adequate factual information, or intelligence informa-  
5 tion. In assessing foreign availability with respect to license  
6 applications, uncorroborated representations by applicants  
7 shall not be deemed sufficient evidence of foreign availability.

8 (3) A technology or goods proposed for, or subject to,  
9 export control for national security purposes, which is not  
10 possessed in comparable quantity or quality by a nation, or  
11 combination of nations threatening to the national security of  
12 the United States, shall not, irrespective of the operation of  
13 any other statutory or regulatory provision, be deemed to be  
14 available to that nation or combination of nations from for-  
15 eign sources until the Secretary of State verifies in writing  
16 that negotiations with the appropriate foreign governments  
17 have been undertaken and have not been successful. Assess-  
18 ment of comparable quantity or quality shall include but not  
19 be limited to the following factors: cost, reliability, the avail-  
20 ability and reliability of the spare parts and the cost thereof,  
21 maintenance programs and the cost and quality thereof, tech-  
22 nological data packages and the cost and quality thereof,  
23 backup packages and the cost and quality thereof, long-term  
24 durability, scale of production, ease with which machinery  
25 will be integrated in the mode of production, and spoilages



1 and tolerance factors for end products produced by the ma-  
2 chinery. In any case in which export controls are imposed  
3 notwithstanding foreign availability, the President shall take  
4 steps to initiate negotiations with the governments of the ap-  
5 propriate foreign countries for the purposes of eliminating  
6 such availability. Whenever the President has reason to be-  
7 lieve goods or technology subject to export control for nation-  
8 al security purposes by the United States may become availa-  
9 ble from other countries to countries to which exports are  
10 controlled under this section and that such availability can be  
11 prevented or eliminated by means of negotiations with such  
12 other countries, the President shall promptly initiate negotia-  
13 tions with the governments of such other countries to prevent  
14 such foreign availability.

15       (4) In order to further carry out the policies set forth in  
16 the Act, the Director shall establish within the Agency a  
17 capability to monitor and gather information with respect to  
18 the foreign availability of any goods or technology subject to  
19 export controls under this Act.

20       (5) Each department or agency of the United States  
21 with responsibilities with respect to export controls, including  
22 intelligence agencies, shall, consistent with the protection of  
23 intelligence sources and methods, furnish information to the  
24 Agency concerning foreign availability of goods and technol-  
25 ogy subject to export controls under this Act, and the

1 Agency, upon request or where appropriate, shall furnish to  
2 such departments and agencies the information it gathers and  
3 receives concerning foreign availability where it is not in con-  
4 flict with the national security interests of the United States  
5 to do so.

6 (h) TECHNICAL ADVISORY COMMITTEES.—(1) The Di-  
7 rector may, in his discretion, appoint such technical advisory  
8 committees as he deems appropriate for any such goods or  
9 technology which the Director determines are difficult to  
10 evaluate because of questions concerning technical matters,  
11 worldwide availability, and actual utilization of production  
12 and technology, or licensing procedures. Each such commit-  
13 tee shall consist of representatives of all interested segments  
14 of the involved United States industry, as well as the intelli-  
15 gence community, and, in the discretion of the Director,  
16 other Government departments and agencies. No person  
17 serving on any such committee who is a representative of  
18 industry shall serve on such committee for more than four  
19 consecutive years.

20 (2) Technical advisory committees established under  
21 paragraph (1) shall advise and assist the Director with re-  
22 spect to actions designed to carry out the policy set forth in  
23 section 3 of this Act. Nothing in this subsection shall prevent  
24 the Director from consulting, at any time, with any person  
25 representing industry or the general public, regardless of

1 whether such person is a member of a technical advisory  
2 committee. Members of the public shall be given a reasonable  
3 opportunity, pursuant to regulations prescribed by the Direc-  
4 tor, to present relevant material to such committees.

5 (3) Upon request of any members of any such commit-  
6 tee, the Director may, if the Director determines it appropri-  
7 ate, reimburse such member for travel, subsistence, and other  
8 necessary expenses incurred by such member in connection  
9 with the duties of such member.

10 (4) Each such committee shall elect a chairman, and  
11 shall meet at least every three months at the call of the  
12 chairman, unless the chairman determines, in consultation  
13 with the other members of the committee, that such a meet-  
14 ing is not necessary to achieve the purposes of this subsec-  
15 tion. Each such committee shall be terminated after a period  
16 of two years, unless extended by the Director for additional  
17 periods of two years. The Director shall consult each such  
18 committee with respect to such termination or extension of  
19 that committee.

20 (i) **MULTILATERAL EXPORT CONTROLS.**—The Presi-  
21 dent shall enter into negotiations with the government par-  
22 ticipating in the group known as the Coordinating Committee  
23 (hereinafter in this subsection referred to as the “Commit-  
24 tee”) with a view toward accomplishing the following objec-  
25 tives:

1           (1) Agreement to publish a list of items controlled  
2           for export by agreement of the Committee.

3           (2) Agreement to hold periodic meetings with  
4           high-level representatives of such governments, for the  
5           purpose of discussing export control policy issues and  
6           issuing policy guidance to the Committee.

7           (3) Agreement on more effective procedures for  
8           enforcing the export controls agreed to pursuant to  
9           paragraph (1).

10          (j) COMMERCIAL AGREEMENTS WITH CERTAIN COUN-  
11          TRIES.—(1) Any United States firm, enterprise, or other  
12          nongovernmental entity which enters into any agreement  
13          with any agency of the government of a country to which  
14          exports are restricted for national security purposes, which  
15          calls for the encouragement of technical cooperation and is  
16          intended to result in the export from the United States to the  
17          other party of unpublished technical data of United States  
18          origin, shall report the agreement with such agency with suf-  
19          ficient detail to the Director.

20          (k) NEGOTIATIONS WITH OTHER COUNTRIES.—The  
21          Secretary of State, in consultation with the Secretary of De-  
22          fense, the Director, and the head of other appropriate depart-  
23          ments and agencies, shall be responsible for conducting nego-  
24          tiations with other countries regarding their cooperation in  
25          restricting the export of goods and technology in order to

1 carry out the policy set forth in section 3(8) of this Act, as  
2 authorized by subsection (a) of this section, including negotia-  
3 tions with respect to which goods and technology should be  
4 subject to multilaterally agreed export restrictions and what  
5 conditions should apply for exception from those restrictions.

6 (l) DIVERSION TO MILITARY USE OF CONTROLLED  
7 GOODS OR TECHNOLOGY.—(1) Whenever there is reliable  
8 evidence that goods or technology which were exported sub-  
9 ject to national security controls under this section to a coun-  
10 try to which exports are controlled for national security pur-  
11 poses have been diverted to an unauthorized use and/or con-  
12 signee in violation of the conditions of an export license, the  
13 Director for as long as that diversion continues shall coordi-  
14 nate with the responsible enforcement agencies to ensure—

15 (A) the denial of all further exports to the party  
16 or parties responsible for that diversion and the unau-  
17 thorized recipient of any goods or technology subject to  
18 national security controls under this section which con-  
19 tribute to that particular military use, regardless of  
20 whether such goods or technology are available to that  
21 country from sources outside the United States; and

22 (B) that such additional steps are taken under this  
23 and all other appropriate statutory regulations with re-  
24 spect to the party referred to in subparagraph (A) as  
25 are appropriate in the circumstances to deter the fur-

1       ther use of the previously exported goods or technol-  
2       ogy.

3       (2) As used in this subsection, the terms “diversion to  
4       an unauthorized use and/or consignee” means the use of  
5       United States goods or technology to design or produce or  
6       maintain or contribute to the design, production or mainte-  
7       nance any item on the United States Munitions List, or the  
8       transfer of United States goods or technology to any consign-  
9       ee or end user engaged in or contributing to such design,  
10      production or maintenance.

11      (m) RECORDKEEPING.—The Director, the Secretary of  
12      Defense, and any other department or agency consulted in  
13      connection with a license application or revision of a list of  
14      controlled commodities, goods, or technologies, shall make  
15      and keep records of their respective advice, recommenda-  
16      tions, or decisions, including the factual and analytical basis  
17      of the advice, recommendations, or decisions.

18      (n) In each case in which the Director determines that it  
19      is necessary to review an export application, the Secretary of  
20      Commerce shall, upon receipt of a properly completed appli-  
21      cation, refer the application to the Director together with all  
22      information supplied by the applicant. The Secretary of Com-  
23      merce concurrently may refer an application to any other de-  
24      partment or agency for its information and recommendations.  
25      The Secretary of Commerce shall defer his review, analysis,

1 and recommendations on the application until after receiving  
2 recommendations from other departments or agencies, but, in  
3 any case, shall review only those applications where the Di-  
4 rector has recommended that the request for export be denied  
5 or be approved subject to specified conditions.

6 VIOLATIONS

7 SEC. 8. (a) IN GENERAL.—Except as provided in sub-  
8 section (b) of this section, whoever knowingly violates any  
9 provision of this Act or any regulations, order, or license  
10 issued thereunder shall be fined not more than five times the  
11 value of the exports involved or \$50,000, whichever is great-  
12 er, or imprisoned not more than five years, or both.

13 (b) WILLFUL VIOLATIONS.—(1) Whoever willfully ex-  
14 ports anything contrary to any provision of this Act or any  
15 regulations, order, or license issued thereunder, with knowl-  
16 edge that such exports will be used for the benefit of any  
17 country to which exports are restricted for national security  
18 or foreign policy purposes—

19 (A) except in the case of an individual, shall be  
20 fined not more than five times the value of the exports  
21 involved or \$1,000,000, whichever is greater; and

22 (B) in the case of an individual, shall be fined not  
23 more than \$250,000, or imprisoned not more than ten  
24 years, or both.

1       (2) Any person who is issued a validated license under  
2 this Act for the export of any goods or technology to a con-  
3 trolled country and who, with knowledge that such a goods  
4 or technology is being used by such controlled country for  
5 military or intelligence gathering purposes contrary to the  
6 conditions under which the license was issued, willfully fails  
7 to report such use to the Secretary of Defense—

8           (A) except in the case of an individual, shall be  
9 fined not more than five times the value of the exports  
10 involved or \$1,000,000, whichever is greater; and

11          (B) in the case of an individual, shall be fined not  
12 more then \$250,000, or imprisoned not more than five  
13 years, or both.

14 For the purpose of this paragraph, the term “controlled coun-  
15 try” means any country described in section 620(f) of the  
16 Foreign Assistance Act of 1961.

17       (c) CIVIL PENALTIES; ADMINISTRATIVE SANC-  
18 TIONS.—(1) The head of any department or agency exercis-  
19 ing any functions under this Act, or any officer or employee  
20 of such department or agency specifically designated by the  
21 head thereof, may impose a civil penalty not to exceed  
22 \$10,000 for each violation of this Act or any regulation,  
23 order, or license issued under this Act, either in addition to or  
24 in lieu of any other liability or penalty which may be im-  
25 posed, except that the civil penalty for each such violation



1 involving national security controls imposed under section 7  
2 of this Act or controls imposed on the export of defense arti-  
3 cles and defense services under section 38 of the Arms  
4 Export Control Act may not exceed \$100,000.

5 (2)(A) The authority under this Act to suspend or  
6 revoke the authority of any United States person to export  
7 goods or technology may be sued with respect to any viola-  
8 tion of the regulations issued pursuant to this Act.

9 (B) If, during the course of an investigation under sec-  
10 tion 9 of the Act, the head of any department or agency  
11 exercising any function under this Act or any officer or em-  
12 ployee of such department or agency specifically designated  
13 by the head thereof, determines that there is reasons to be-  
14 lieve that there is a violation of this Act or any regulation  
15 promulgated thereunder he may suspend the authority of any  
16 person to export or import from the United States any or all  
17 goods or technology, whether or not such goods or technol-  
18 ogy are related to the specific violation, and thereafter order  
19 the seizure of any goods or technology intended for export or  
20 import in violation of such suspension as set forth hereinafter.  
21 The head of any department or agency exercising any func-  
22 tion under this Act or any officer or employee of such depart-  
23 ment or agency specifically designated by the head thereof,  
24 shall notify the Secretary of the Treasury of its action to  
25 suspend export or import privileges pursuant to this subsec-

1 tion and upon receipt of such notice, the Secretary of the  
2 Treasury shall, through the proper officers, take the neces-  
3 sary actions to enforce such suspension or seizure: *Provided,*  
4 *however,* That any such suspension otherwise applicable may  
5 be removed by the posting of bond in an amount determined  
6 by the notifying party and prescribed by the Secretary with  
7 the concurrence of the Director.

8 (C) Any administrative sanction (including any civil pen-  
9 alty or any suspension or revocation of authority to export)  
10 imposed under this Act for a violation or treatment as pro-  
11 vided in subsection (c)(2)(B) above, of the regulations issued  
12 pursuant to this Act may be imposed only after notice and  
13 opportunity for an agency hearing on the record in accord-  
14 ance with sections 554 through 557 of title 5, United States  
15 Code.

16 (D) Any charging letter or other document initiating ad-  
17 ministrative proceedings for the imposition of sanctions for  
18 violations or threatened violations as provided in subsection  
19 (c)(2)(B) above, of the regulations issued pursuant to this Act  
20 shall be made available for public inspection and copying.

21 (d) **FORFEITURE OF PROPERTY IN TRANSIT.**—Any  
22 property owned by a person which is the subject of a viola-  
23 tion under this Act or regulations promulgated hereunder,  
24 whether or not such property is within the jurisdictional  
25 boundaries of the United States, shall be forfeited to the

1 United States, and may be seized and condemned by like  
2 proceedings as those provided by law for the forfeiture, seiz-  
3 ure, and condemnation of property imported into the United  
4 States contrary to law.

5 (e) REFUNDS.—Any amount paid in satisfaction of any  
6 penalty imposed pursuant to subsection (c) shall be covered  
7 into the Treasury as a miscellaneous receipt. The head of the  
8 department or agency concerned may, in his discretion,  
9 refund any such penalty, within two years after payment, on  
10 the ground of a material error of fact or law in the imposition  
11 of the penalty. Notwithstanding section 1346(a) of title 28,  
12 United States Code, no action for the refund of any such  
13 penalty may be maintained in any court.

14 (f) ACTIONS FOR RECOVERY OF PENALTIES.—In the  
15 event of the failure of any person to pay a penalty imposed  
16 pursuant to subsection (c), a civil action for the recovery  
17 thereof may, in the discretion of the head of the department  
18 or agency concerned, be brought in the name of the United  
19 States. Except as provided in this subsection no such liability  
20 shall be asserted, claimed, or recovered upon by the United  
21 States in any way unless it has previously been reduced to  
22 judgment.

23 (g) OTHER AUTHORITIES.—Nothing in subsection (a),  
24 (b), (c), (d), or (f) limits—

1 (1) the availability of other administrative or judi-  
2 cial remedies with respect to violations of this Act, or  
3 any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

8 (3) the authority to compromise, remit or mitigate  
9 seizures and forfeitures pursuant to section 1(b) of title  
10 VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

11 ENFORCEMENT

12 SEC. 9. (a) INVESTIGATIONS.—To the extent necessary  
13 or appropriate to the enforcement of this Act or to the im-  
14 position of any penalty, forfeiture, or liability arising under this  
15 Act, the Export Administration Act of 1979, the Export Ad-  
16 ministration Act of 1969, or the Export Control Act of 1949,  
17 the head of any department or agency exercising any function  
18 thereunder (and officers or employees of such department or  
19 agency specifically designated by the head thereof) may make  
20 such investigations and obtain such information from, require  
21 such reports or the keeping of such records by, make such  
22 inspection of the books, records, and other writings, prem-  
23 ises, or property of, and take the sworn testimony of, any  
24 person. In addition, such officers or employees may adminis-  
25 ter oaths or affirmations, and may by subpoena require any

1 person to appear and testify or to appear and produce books,  
2 records, and other writings, or both, and in the case of contu-  
3 macy by, or refusal to obey a subpoena issued to, any such  
4 person, the district court of the United States, after notice to  
5 any such person and hearing, shall have jurisdiction to issue  
6 an order requiring such person to appear and give testimony  
7 or to appear and produce books, records, and other writings,  
8 or both, and any failure to obey such order to the court may  
9 be punished by such court as a contempt thereof.

10 (b) JURISDICTION OF COURTS; DUTY OF UNITED  
11 STATES ATTORNEYS; PROCEDURES; ADDITIONAL PAR-  
12 TIES.—The several district courts of the United States are  
13 invested with jurisdiction to prevent, restrain, and remedy  
14 violations of this Act, the Export Administration Act of  
15 1979, the Export Administration Act of 1969, and the  
16 Export Control Act of 1949, and regulations promulgated  
17 pursuant thereto, the effect or tendency of which is to harm  
18 the national security interests of the United States, and fur-  
19 ther, with jurisdiction over persons committing such viola-  
20 tions; and it shall be the duty of the several United States  
21 attorneys, in their respective districts, under the direction of  
22 the Attorney General, to institute proceedings in equity to  
23 prevent and restrain such violations, and at law to remedy  
24 such violations. Such equity proceedings may be by way of  
25 petitions setting forth the case and praying that such viola-

1 tions shall be enjoined or otherwise prohibited. When the  
2 parties complained of shall have been duly notified of such  
3 petition the court shall proceed, as soon as may be, to the  
4 hearing and determination of the case; and pending such peti-  
5 tion and before final decree, the court may at any time issue  
6 such temporary restraining order or prohibition as shall be  
7 deemed appropriate in the circumstances. Whenever it shall  
8 appear to the court before which any proceeding under this  
9 Act may be pending, that the ends of justice require that  
10 other parties should be brought before the court, the court  
11 may cause them to be summoned, whether they reside in the  
12 district in which the court is held or not, and wherever they  
13 are inhabitant, and subpoenas to that end may be served any-  
14 where by the marshal thereof, or by any other means pro-  
15 vided by law.

16 (c) SERVICE OF COMPLAINTS, ORDER AND OTHER  
17 PROCESSES.—Complaints, orders, and other processes nec-  
18 essary to effectuate the purposes of this Act may be served  
19 by anyone duly authorized to do so either (1) by delivering a  
20 copy thereof to the person to be served, or to a member of  
21 the partnership to be served, or to the president, secretary, or  
22 other executive officer or a director of the corporation to be  
23 served; or (2) by leaving a copy thereof at the residence or  
24 the principal office or place of business of such person; or (3)  
25 by mailing by registered or certified mail a copy thereof ad-

1 dressed to such person at his or its residence or principal  
2 office or place of business. The verified return by the person  
3 so serving said complaint, order, or other process setting  
4 forth the manner of said service shall be proof of the same,  
5 and the return post office receipt for said complaint, order, or  
6 other process mailed by registered or certified mail as afore-  
7 said shall be proof of the service of the same.

8 (d) LIMITATION OF ACTIONS.—Any action to enforce a  
9 civil penalty, criminal penalty or administrative sanction  
10 under this section shall be forever barred unless commenced  
11 within ten years after the date of discovery of the action al-  
12 leged to be in violation of this Act occurred. As of the date of  
13 enactment of this section, its provisions shall apply retroac-  
14 tively to actions arising under any predecessor statutes or  
15 provisions, and where applicable, shall operate to revive any  
16 potential action extinguished under existing law.

17 (e) IMMUNITY.—No person shall be excused from com-  
18 plying with any requirements under this section because of  
19 his privilege against self-incrimination, but the immunity pro-  
20 visions of section 6002 of title 18, United States Code, shall  
21 apply with respect to any individual who specifically claims  
22 such privilege.

23 (f) CONFIDENTIALITY.—(1) Except as otherwise pro-  
24 vided by section 8(c)(2)(D) of this Act, information obtained  
25 under this Act on or before the date of enactment, which is

1 deemed confidential, including Shippers' Export Declara-  
2 tions, or with reference to which a request for confidential  
3 treatment is made by the person furnishing such information,  
4 shall be exempt from disclosure under section 552 of title 5,  
5 United States Code, and such information shall not be pub-  
6 lished or disclosed unless the Director in his sole discretion  
7 determines that the withholding thereof is contrary to the  
8 national interest. Information obtained under this Act or the  
9 Export Administration Act of 1979 after June 30, 1980, may  
10 be withheld only to the extent permitted by statute, except  
11 that information obtained for the purpose of consideration of,  
12 or concerning, license applications under this Act or the  
13 Export Administration Act of 1979 shall be withheld from  
14 public disclosure unless the release of such information is de-  
15 termined by the Director in his sole discretion to be in the  
16 national interest.

17       (2) Nothing in this Act shall be construed as authorizing  
18 the withholding of information from the Congress or from the  
19 General Accounting Office. All information obtained at any  
20 time under this Act or previous Acts regarding the control of  
21 exports, including any report or license application required  
22 under this Act, shall be made available to any committee or  
23 subcommittee of Congress of appropriate jurisdiction upon re-  
24 quest of the chairman or ranking minority member of such  
25 committee or subcommittee. No such committee or subcom-



1 mittee, or member thereof, shall disclose any information ob-  
2 tained under this Act or previous Acts regarding the control  
3 of exports which is submitted on a confidential basis unless  
4 the full committee determines that the withholding of that  
5 information is contrary to the national interest. Notwith-  
6 standing paragraph (1) of this subsection, information re-  
7 ferred to in the second sentence of this paragraph shall, con-  
8 sistent with the protection of intelligence, counterintelligence,  
9 and law enforcement sources, methods, and activities, as de-  
10 termined by the agency that originally obtained the informa-  
11 tion, and consistent with the provisions of section 313 of the  
12 Budget and Accounting Act, 1921, be made available only by  
13 that agency, upon request, to the Comptroller General of the  
14 United States or to any officer or employee of the General  
15 Accounting Office who is authorized by the Comptroller Gen-  
16 eral to have access to such information. No officer or employ-  
17 ee of the General Accounting Office shall disclose, except to  
18 the Congress in accordance with this paragraph, any such  
19 information which is submitted on a confidential basis and  
20 from which any individual can be identified.

21 (3) Departments or agencies which obtain information  
22 which is relevant to the enforcement of this Act shall furnish  
23 such information to the department or agency with enforce-  
24 ment responsibilities under this Act to the extent consistent  
25 with the protection of intelligence, counterintelligence, and

1 law enforcement sources, methods, and activities, except  
2 that—

3           (A) the provisions of this paragraph shall not  
4       apply to information subject to the restrictions set forth  
5       in section 9 of title 13, United States Code; and

6           (B) return information, as defined in subsection (b)  
7       of section 6103 of the Internal Revenue Code of 1954,  
8       may be disclosed only as authorized by such section.

9       (d) REPORTING REQUIREMENTS.—In the administra-  
10     tion of this Act, reporting requirements shall be so designed  
11     as to reduce the cost of reporting, recordkeeping, the export  
12     documentation required under this Act to the extent feasible  
13     consistent with effective enforcement and compilation of  
14     useful trade statistics. Reporting, recordkeeping, and export  
15     documentation requirements shall be periodically reviewed  
16     and revised in the light of development in the field of infor-  
17     mation technology.

18       (e) SIMPLIFICATION OF REGULATIONS.—The Director,  
19     in consultation with appropriate United States Government  
20     departments and agencies and with appropriate technical ad-  
21     visory committees established under section 7(g), shall review  
22     the regulations issued under this Act and the commodity con-  
23     trol list in order to determine how compliance with the provi-  
24     sion of this Act can be facilitated by simplifying such regula-

1 tions, by simplifying or clarifying such list, or by any other  
2 means.

3 EXEMPTION FROM CERTAIN PROVISIONS RELATING TO  
4 ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

5 SEC. 10. (a) EXEMPTION.—Except as provided in sec-  
6 tion 8(c)(2), the functions exercised under this Act are ex-  
7 cluded from the operation of sections 551, 553 through 559,  
8 and 701 through 706 of title 5, United States Code.

9 (b) PUBLIC PARTICIPATION.—It is the intent of the  
10 Congress that, to the extent practicable, all regulations im-  
11 posing controls on exports under this Act be issued in pro-  
12 posed form with meaningful opportunity for public comment  
13 before taking effect. In cases where a regulation imposing  
14 controls under this Act is issued with immediate effect, it is  
15 the intent of the Congress that meaningful opportunity for  
16 public comment also be provided and that the regulation be  
17 reissued in final form after public comments have been fully  
18 considered.

19 EFFECT ON OTHER ACTS

20 SEC. 11. (a) IN GENERAL.—Nothing contained in this  
21 Act shall be construed to modify, repeal, supersede, or other-  
22 wise affect the provisions of any other laws authorizing con-  
23 trol over exports of any commodity except to the extent the  
24 same are inconsistent herewith.

1       (b) COORDINATION OF CONTROLS.—The authority  
2 granted to the President under this Act shall be exercised in  
3 such manner as to achieve effective coordination with the  
4 authority exercised under section 38 of the Arms Export  
5 Control Act (22 U.S.C. 2778).

6       (c) CIVIL AIRCRAFT EQUIPMENT.—Notwithstanding  
7 any other provision of law, any product (1) which is standard  
8 equipment, certified by the Federal Aviation Administration,  
9 in civil aircraft and is an integral part of such aircraft, and (2)  
10 which is to be exported to a country other than a controlled  
11 country, shall be subject to export controls exclusively under  
12 this Act and the Export Administration Act of 1979. Any  
13 such product shall not be subject to controls under section  
14 38(b)(2) of the Arms Export Control Act. For purposes of  
15 this subsection, the term “controlled country” means any  
16 country described in section 620(f) of the Foreign Assistance  
17 Act of 1961.

18                   AUTHORIZATION OF APPROPRIATIONS

19       SEC. 12. (a) REQUIREMENT OF AUTHORIZING LEGIS-  
20 LATION.—Notwithstanding any other provision of law, no  
21 appropriation shall be made under any law to the Depart-  
22 ment of Commerce for expenses to carry out the purposes of  
23 this Act unless previously and specifically authorized by law.

1 (b) AUTHORIZATION.—There are authorized to be ap-  
2 propriated to the Department of Defense to carry out the  
3 purposes of this Act—

4 (1) \$4 million for each of the fiscal years 1984  
5 and 1985; and

6 (2) such additional amounts, for each such fiscal  
7 year, as may be necessary for increases in salary, pay,  
8 retirement, other employee benefits authorized by law,  
9 and other nondiscretionary costs.

10 EFFECTIVE DATE

11 SEC. 13. This Act shall take effect upon its signing by  
12 the President or otherwise upon the date upon which a Presi-  
13 dential veto is overridden by the Congress of the United  
14 States.

15 SAVINGS PROVISIONS

16 SEC. 14. (a) IN GENERAL.—All delegations, rules, reg-  
17 ulations, orders, determinations, licenses, or other forms of  
18 administrative action which have been made, issued, conduct-  
19 ed, or allowed to become effective under the Export Control  
20 Act of 1949, the Export Administration Act of 1969, or the  
21 Export Administration Act of 1979 and which are in effect at  
22 the time this Act takes effect shall continue in effect accord-  
23 ing to their terms until modified, superseded, set aside, or  
24 revoked under this Act.

1       (b) ADMINISTRATIVE PROCEEDINGS.—This Act shall  
2 not apply to any administrative proceedings commenced or  
3 any application for a license made, under the Export Admin-  
4 istration Act of 1979, which is pending at the time this Act  
5 takes effect.

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